

## REMARKS

The courteous telephonic interview granted the undersigned attorney on September 17, 2008 is gratefully acknowledged.

Claims 1, 2, 4-15, 17 and 19-21 have been canceled. Claims 3, 16, and 18 have been amended. Thus, claims 3, 16, 18, 22 and 23 are pending in the application.

Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Toniolo (U.S. Pub. No. 2006/0154220) in view of Rosedale (U.S. Patent No. 7,117,136, Carnival Parties 5 yr (NPL) and Parulski et al. (U.S. Patent No. 5,595,389). Applicants respectfully traverse this rejection.

Claim 16 was rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. in view of Rosedale, The Hoagy Carmichael Collection, Korn (US. Pat. No. 5,781,198) and Corset (U.S. Pub. No. 2002/0007718). Applicants respectfully traverse this rejection.

Claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. in view of Rosedale, The Hoagy Carmichael Collection and Corset. Applicants respectfully traverse this rejection.

A telephonic interview was held with the Examiner on September 17, 2008, wherein the Examiner proposed that claim 3 be amended to read, in pertinent part: "physically restraining the positioning of the at least one dancer's head with a fixture and helmet worn by said dancer so that the alt least one dancer's head remains substantially in a fixed position during the performance of the dance routine, wherein said fixture includes a pair of spaced stanchions for supporting a crossbar and a support with extends from the crossbar on which said helmet is attached . . . ."

Applicants' attorney offered a different amendment to the claim, which the Examiner subsequently pointed out did not overcome the prior art. Applicants' attorney

requested time to conference with the Applicants concerning the Examiner's proffered amended, and the Examiner requested a response by September 23, 2008. Applicants' attorney was unable to contact the Applicants by that date and so did not file a response.

Upon receiving the pending office action, Applicants have agreed to accept the Examiner's proffered amendment to claim 3. Further, Applicants have amended claims 16 and 18 to include language similar to that added to amended claim 3. For these reasons, Applicants believe that claims 3, 16 and 18 as amended, and the claims dependent therefrom, are patentable over the cited art, and request that the rejections be withdrawn and the claims allowed.

Entry of the amendment, reconsideration of the application and allowance of the claims are respectfully requested.

### CONCLUSION

Applicants have carefully reviewed the arguments presented in the Office Action and respectfully request entry of the amendment and reconsideration of the claims in view of the remarks presented. In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Should the Examiner have any questions concerning the above amendments and arguments, or any suggestions for further amending the claims to obtain allowance, Applicant requests that the Examiner contact Applicant's attorney, John Fitzgerald, at 310-242-2667.

The Commissioner is authorized to credit any overpayment or charge any additional fees in this matter to our Deposit Account No. 06-2425.

Dated: December 1, 2008

Respectfully submitted,

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